Court No.3

Civil Contempt Petition No. 143/2003

Dr. D.P. Juyal and others .....Petitioners.

Vs

D.S. Man and others …Respondents.

Hon'ble Irshad Hussain, J.

Heard Sri R.D. Khare learned counsel for the petitioners and Sri Alok Singh learned counsel for the respondents.

This is a contempt petition alleging that the respondents have disobeyed the order of the court passed on 18-7-2002. By the said order the respondents (who were the petitioners in the writ petition No. 379(M/B)/2000) were directed to keep locked the premises in question namely the second floor of the building and they were further directed not to use the same in any manner till further orders. The contention of the petitioners is that despite this order the respondents have raised constructions on the second floor and in support of the contention photographs have been filed and other documents showing that the M.D.D.A. has directed the respondents to demolish the 'mamti' raised on the room of second floor. As a consequence of the notice given by the MDDA the side walls of the 'mamti' have been partly demolished. However, considering the alleged construction it can not be said that any structural change has been made in the second floor by the respondents. There is a stair-case from the ground floor to the roof of the second floor and on the roof of the second floor water tanks are being kept to facilitate supply of the water to the ground floor use of which has not been prohibited by the Court. In order to maintain supply of the water the respondents or any of their servant or agent had to come on the roof of the second floor and to make the stair case water proof it is essential that some covering either of tin or any other material had to be placed on sufficient height so that one may use the stair case to reach to the roof of the second floor. So much of the work appear to have been done by the respondents

which can not be taken to be a construction in contravention of the order of the Court.

Considering this the case of contempt of the order of the Court has not been made out. Therefore, the petition is dismissed and notice discharged.

Dated: 15-9-2003 (**Irshad Hussain, J.**)

ISB